EXHIBIT K

THE ARBITRATION TRIBUNALS OF THE AMERICAN
ARBITRATION ASSOCIATION

\- x

In the Matter of Arbitration between
SPENCER MEYER,

Claimant,

Les Weinstein

-against- AAA No. 01-18-0002-1956

UBER TECHNOLOGIES, INC.,

Respondent.

\- x

October 24, 2019
9:30 a.m.

BOIES SCHILLER FLEXNER LLP
55 Hudson Yards
New York, New York 10001

B E F O R E:

LES WEINSTEIN, The Arbitrator

\- - -

APPEARANCES:

HARTER SECREST & EMERY LLP
Attorneys for Claimant
1600 Bausch & Lomb Place
Rochester, New York 14604
BY: BRIAN M. FELDMAN, ESQUIRE
LAUREN MENDOLERA, ESQUIRE

BOIES SCHILLER FLEXNER LLP
Attorneys for Respondent
55 Hudson Yards
New York, New York 10001
BY: WILLIAM ISAACSON, ESQUIRE
PETER SKINNER, ESQUIRE
ABBY DENNIS, ESQUIRE
ALEXANDRA JUMPER, ESQUIRE
WILLIAM WEAVER, ESQUIRE

ALSO PRESENT:
SPENCER MEYER, CLAIMANT
ERIC LIPMAN, ESQUIRE, UBER
KALEIGH WOOD, PARALEGAL

we compete for drivers.

Q. That's why it's important, you said to give drivers more money?

A. I said that driver incentives are a way for us to run a more efficient marketplace.

Q. I thought you said something about giving drivers extra money.

A. I said that the way that drivers can earn extra money is by completing a driver incentive, but the goal of driver incentives is to help Uber run a more efficient marketplace on behalf of the drivers and riders that we serve.

Q. Just to make sure that I have the jargon down at the beginning, marketplace means the Uber platform, marketplace of riders and drivers?

A. That's correct, yes.

Q. You oversee driver surge?

A. I do, yes.

Q. Can you just generally explain to us what driver surge is?

A. Sure. Driver surge is the way that --

[redacted] - Direct

Q. The driver can't, in any way, signal a price to riders through the Uber app, correct?

A. That's right.

Q. Let's talk about drivers adjusting fares for riders.

A. Okay.

Q. Can drivers adjust the upfront pricing by request to Uber?

A. Can drivers adjust the upfront fare? So can drivers adjust the upfront fare that riders receive before the trip?

Q. Yes. That's my question.

A. Not to my knowledge, no.

Q. That upfront fare is based on city specific rates, correct?

A. There are many things that go into the rider upfront price and the rates, as you say, are what we previously said we will pay drivers on a per mile, per minute and minimum basis and that forms the cost basis on which we are setting the upfront price. The good business, hopefully, takes more money from the buyers than they give to their cost of

[redacted] - Direct

ARBITRATOR WEINSTEIN: Mr. Feldman, I don't want to limit you, but is this not -- we're beating a horse we are afraid may be dead or may not be dead?

MR. FELDMAN: It's dead now. I will move on, Mr. Weinstein.

THE WITNESS: I didn't see the beating, but it sounds bad.

Q. Let's turn to page 7. This is the part I'm most interested in actually.

So page 7, 4.1 talks about fare calculation in your payment, which I understand is the driver's payment.

Do you see that?

A. Yes.

Q. The first sentence says, You are entitled to charge a fare for each instance of completed transportation services provided to a user that are obtained via the Uber services, a defined term fare, where such fare is calculated based upon a base fare amount, plus distance, parenthetically, as determined by company using location-based services enabled through the device, end

A. Thousands.

Q. You can set Meyer Exhibit 50 aside.

Let's talk about another potential option provided to riders that we touched on earlier.

If you take the example of the ride to the airport, we talked earlier that if surge pricing were in effect and a $30 ride was surging, it was $40, that there wasn't another option on that product at that time with a different ETA without surge, correct?

A. Yes.

Q. Would that be technically feasible?

A. What is that?

Q. Offering a no surge product with a longer ETA.

A. So anything is technically feasible. That specific product, especially in sparse areas, would become incredibly difficult to deliver from a product prospective and the reason for that is we have very, very few cars waiting around Mr. Weinstein's house and if, let's say, one of those drivers opted into this no surge

[redacted] - Direct

product, they would get snapped up at too high of rates, at too fast a rate relative to all the other people in Mr. Weinstein's neighborhood. That would mean that having had them all locked in, all of the cars would be exhausted and every subsequent rider in the neighborhood, including Mr. Weinstein, would now see a very high ETA, from which we could not recover. There would be no choices, all the ETAs would be very bad and everyone would have a bad experience until more drivers flowed back in.

Q. The reason that would move so quickly, that product, is because riders would be very interested in that option, right?

A. Riders would have the same level of interest, there are just too many of them.

Q. What did you mean by that?

A. So the imbalance comes from having too many riders show up relative to the number of drivers in that neighborhood and without -- if half, more of those drivers opted into a no surge product, riders in that